



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,099	12/11/2000	Bernd Fischer	D078 1090 (41461.0010.0)	2645
26158 7590 08/28/2007 WOMBLE CARLYLE SANDRIDGE & RICE, PLLC ATTN: PATENT DOCKETING 32ND FLOOR P.O. BOX 7037 ATLANTA, GA 30357-0037			EXAMINER DICUS, TAMRA	
			ART UNIT 1774	PAPER NUMBER
			MAIL DATE 08/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/700,099	FISCHER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tamra L. Dicus	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-24 is/are pending in the application.
- 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 1774

### **DETAILED ACTION**

The 112 second rejections are withdrawn due to Applicant's amendments.

#### ***Claim Objections***

Claim 9 is objected to because of the following informalities: "the grafting degree" should be in amounts by weight % and not just percentages as degrees are not percentages.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 9-11, and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner believes that independent claim 1 (amended 7/10/06) does not have the proper support in the original specification as filed because the specification does not provide any teaching or discussion on a linear aliphatic alpha-olefin or its usage with Applicant's claimed floor covering. Further there is no mention of the alpha-olefin being in the class of VLDPEs.

Art Unit: 1774

See instant pages 2-3 to a polyolefin mixture of ethylene and octene and also original claim 6, however no support was found for a linear aliphatic alpha-olefin as amended.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1<sup>6</sup>, 9-1<sup>5</sup>~~1~~, ~~13~~ and ~~15~~ are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear if the polyolefin is a VLDPE or a copolymer mixture of ethylene and the alpha-olefin. See instant pages 2-3 to a polyolefin mixture of ethylene and octene and also original claim 6, however no support was found for an alpha-olefin as amended. It is also unclear what is meant by the polyolefin and grafted copolymer "constitutes a polymeric binder". It is not clear what the composition is, a single copolymer, a blend, mixture or how many elements are included in a polymeric binder. It is suggested, if the polymer is a polymeric binder, to claim it something like this: a flooring comprising a polymeric binder, said binder being a mixture of both i) and ii).

Further to claim 9, Claim 9 recites the limitation "the grafting degree". There is insufficient antecedent basis for this limitation in the claim.

To claim 15, it is not clear where the color or design is or if it is in the composition, thus the overall structure of the claim is unclear.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 11, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Thoen et al. (US 5910358).

For prior art purposes, the Examiner interprets the claims as follows:

Thoen teaches a floor covering comprising a latex composition including a mixture of interpolymers including alpha-olefins (6:1-7) where an ethylene/propylene interpolymer comprises alpha-olefins C3-C20 including 1-octene (14:3-16, embraces i) and where in the latex is dispersed in powder form, MAH-g-PE (embraces ii) or LLDPE (8:41-55). The polyolefin composition (being a LLDPE or HDPE-g-MAH-8:40-55) is crosslinked with a dicumyl peroxide (claim 11) prior to or after extrusion and foaming processes (10:40-53, 10:64-68-11:5) for effectuating thermal oxidative crosslinking. The latex composition (and mixtures of such polymers, because it is an interpolymer, more than one, including three polymers are implied, also see 17:14-17) is in the foam and the crosslinking takes place after the foam also (9:1-10, 9:25, 10:13-49, 14, 17, 18) and thus, this blended mixture composition of Thoen embraces the polymeric binder because it is a blend, the crosslinking polyolefin and grafted HDPE are in one copolymer and thus meets instant claim 1. The densities and melt flow indicies are inherent properties because the same material is used (instant claims 1-4)). Foaming aids (processing) are used also (9:6-12). A print layers are employed as well as a unicolor background (homogenous)

Art Unit: 1774

for a design on the foam polyolefin layers (see 11: 1-68-12:1-6). Instant claims 1-4, 6, 11, 13, and 15 are met.

Claims 1-6, and 13, are rejected under 35 U.S.C. 102(b) as being anticipated by Biesser et al. (US 5973049).

For prior art purposes, the Examiner interprets the claims as follows:

Biesser teaches a polymer composition for floor coverings comprising an interpolymer composition including a mixture of interpolymers including alpha-olefins (2, 35-55, 3:1-20) where a partially crosslinked ethylene interpolymer comprises alpha-olefins C3-C20 including 1-octene and a substantially linear olefin LLDPE included in component (B) with said alpha-olefin having a density less than  $0.910 \text{ g/cm}^3$ ,  $0.85 - 0.97 \text{ g/cc}$ , meeting applicant's claimed range per instant claims 1-4 (see 3:1-25, 12:10-65 embraces i) and where additionally included are grafted polymers (5:1-13, 11:1, and Table 2-MAH having a density of  $0.955 \text{ gm/cc}$ , embraces a MAH-g-HDPE of instant claim 1 ii)) or LLDPE (8:41-55). See also 7:34-40. All said polymers are blended or mixed together and thus meets the polymeric binder per instant claims 1-4, 6. Fillers are also included (7:40-68, 13:1-10, pigments, per instant claim 13).

See 7:34-40 to the weight ratios between 5 to 95%, falling within Applicant's claimed ratio (4:1, converted as 80% copolymer a, 20%copolymer b ranging to 3:2 converted as 60% copolymer a, 40% copolymer b).

Claims 1-6, and 13 are met.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9-11, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabor et al. (US 5,089,556) in view of Thoen et al.

For prior art purposes, the Examiner interprets the claims as follows:

Tabor teaches a polymer blend used as adhesive layers laminated on substrate structures (embraces a floor covering because it is made of the same materials and thus functions as such). Tabor teaches the polymer blend comprises an ethylene polymer (ECO , ethylene carbon monoxide copolymer) with a LLDPE (linear low density polyethylene) where the LLDPE is made by copolymerizing a C4 to C8 1-octene alkene (linear aliphatic alpha-olefin, 5:15-30, 5:35-40, 5:45-55, embraces i)), or a HDPE-g-MAH (high density polyethylene grafted maleic anhydride, embraces ii)). Tabor teaches the density depends on the particular alkene used as the comonomer and on the about incorporated into the copolymer (5:20:25). The LDPE has a density of .88 g/cm<sup>3</sup> to 0.935 g/cm<sup>3</sup> (5:20-23), meeting Applicant's claimed range of less than 0.910 and between 0.85 to 0.892 g/cm<sup>3</sup> (instant claims 1-2). Tabor does not teach blending the LLDPE and the HDPE-g-MAH, however, one having ordinary skill in the art would pick from the list to blend the two polymers to obtain a final polymeric blended binder having the desired properties when looking to adhere a substrate. Reading a list and selecting a known compound

Art Unit: 1774

to meet known requirements is no more ingenious than selecting the last piece to put in the last opening in a jig-saw puzzle.” 325 U.S. at 335, 65 USPQ at 301. See additionally the Abstract, 1:1-20, 2:55-68, 3:1-10, 3:34-50, 4:9-30, 4:60-68, 6:1-68). Tabor teaches the composition for use in films, coatings, and lamination of foam and as layered sheets (7:45-50, 8:55-65).

Tabor does not teach the polyolefin partially crosslinked (claims 1 and 11).

Thoen teaches a PVC-free flooring where foam is applied to a polyolefin polymer substrate layers wherein the polyolefin composition (being a LLDPE or HDPE-g-MAH-8:40-55) is crosslinked with a dicumyl peroxide (claim 11) prior to or after extrusion and foaming processes (10:40-53, 10:64-68-11:5) for effectuating thermal oxidative crosslinking.

It would have been obvious to one having ordinary skill in the art to have modified the composition of Tabor to include a partial crosslinking as claimed because Thoen teaches doing so is for effectuating thermal oxidative crosslinking as cited above. The amount of crosslinking is optimizable for partially crosslinking depending upon how much thermal oxidative crosslinking is desired.

Tabor does not teach a color or design per instant claim 15.

Thoen teaches print layers are employed as well as a unicolor background (homogenous) for a design on the foam polyolefin layers (see 11: 1-68-12:1-6).

It would have been obvious to one having ordinary skill in the art to have modified the flooring of Tabor to incorporate color or design for aesthetic purposes (see 11: 1-68-12:1-6 of Thoen).



Art Unit: 1774

Claims 5 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thoen et al.

Thoen essentially teaches the claimed invention.

Thoen does not teach the amounts recited per instant claims 5, and 9-10.

However, Thoen teaches the same copolymers, but not its weight ratio of 4:1 to 3:2 (instant claim 5) and Thoen teaches fillers such as the MAH-g-HDPE is added for improved resiliency and strength (8:45-55, instant claims 9-10).

Because the same materials are employed, the amounts are optimizable. It is submitted the optimal and/or claimed values of the respective material would have been obvious to the skilled artisan at the time the invention is made since it has long being held that such discovery, such as an optimum value of the respective result effective variable involves only routine skill in the art. In re boesch, 617 F.2d 272,205 USPQ 215(CCPA 1980). The amount of grafting effects resiliency and strength of the composition. The amount of copolymers effects the properties of the copolymer, such as density and melt flow (14:1-68, 15, 16, 17, 18).

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biesser as applied to claim 1 above, and further in view of Thoen et al.

Biesser essentially teaches the claimed invention above.

Biesser does not teach the recitations of instant claims 9-10.

Art Unit: 1774

However, Thoen teaches a polyolefin polyethylene composition comprising fillers such as the MAH-g-HDPE is added for improved resiliency and strength (8:45-55, instant claims 9-10).

Thus, because the same materials are employed, the amounts are optimizable. It is submitted the optimal and/or claimed values of the respective material would have been obvious to the skilled artisan at the time the invention is made since it has long being held that such discovery, such as an optimum value of the respective result effective variable involves only routine skill in the art. In re boesch, 617 F.2d 272,205 USPQ 215(CCPA 1980). It would have been obvious to have modified Biesser to include a grafting degree % and copolymer amounts as claimed because Thoen teaches the amount of grafting effects resiliency and strength of the composition and the amount of copolymers effects the properties of the copolymer, such as density and melt flow (14:1-68, 15, 16, 17, 18).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biesser as applied to claim 1 above, and further in view of Betso et al. (US 6262161).

Biesser essentially teaches the claimed invention above.

Biesser teaches peroxides may be included (13:1-6), but not organic peroxide per instant claim 11.

Betso teaches organic peroxides used in polyolefin polyethylenes having enhanced ignition resistance (2:45-3:45) in flooring (1:1-30, Abstract).

Art Unit: 1774

It would have been obvious to one having ordinary skill in the art to have modified the flooring of Biesser to include organic peroxides as suggested because Betso teaches the inclusion exhibits enhanced ignition resistance as cited above.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN Thoen et al. alone, or Tabor et al. (US 5,089,556) in view of Thoen et al. and further in view of Schuppiser (US 4439574).

Thoen and Tabor are relied upon above and Thoen essentially teaches the claimed invention above.

Regarding claim 12, Thoen nor Tabor teach co-crosslinking agents as claimed.

Schuppiser teaches the acrylate polyol derivation in an olefin copolymer as a monomer for crosslinking and processing of the polymer. The resultant polymer exhibits good water resistance for floor coverings. See col. 3, and especially lines 15-25, Abstract, and col. 1, lines 1-25.

It would have been obvious to one having ordinary skill in the art to have modified the flooring of Tabor and Thoen including the crosslinking agents as per instant claim 12 because Schuppiser teaches the agents are for crosslinking and processing of the polymer. The resultant polymer exhibits good water resistance for floor coverings. See col. 3, and especially lines 15-25, Abstract, and col. 1, lines 1-25.

Art Unit: 1774

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biesser et al. in view of Schuppiser (US 4439574).

Biesser is relied upon above and Thoen essentially teaches the claimed invention above.

Regarding claim 12, Biesser does not teach co-crosslinking agents as claimed.

Schuppiser teaches the acrylate polyol derivation in an olefin copolymer as a monomer for crosslinking and processing of the polymer. The resultant polymer exhibits good water resistance for floor coverings. See col. 3, and especially lines 15-25, Abstract, and col. 1, lines 1-25.

It would have been obvious to one having ordinary skill in the art to have modified the flooring of Biesser including the crosslinking agents as per instant claim 12 because Schuppiser teaches the agents are for crosslinking and processing of the polymer. The resultant polymer exhibits good water resistance for floor coverings. See col. 3, and especially lines 15-25, Abstract, and col. 1, lines 1-25.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN Thoen et al. alone, or Tabor et al. (US 5,089,556) in view of Thoen et al. and further in view of Pontiff et al. (US 4702868).

Thoen and Tabor are relied upon above and Thoen essentially teaches the claimed invention above.

Art Unit: 1774

Regarding claim 12, Thoen nor Tabor teach co-crosslinking agents as claimed.

Pontiff teaches a crosslinked polyolefin teaching Examples of monomers copolymerizable with ethylene and other olefins are vinyl acetate, vinyl chloride, propylene, butene, hexene, acrylic acid and its esters, and methacrylic acid and its esters. The other polymer that can be blended with the ethylene homopolymer or copolymer may be any polymer compatible with it.

It would have been obvious to one having ordinary skill in the art to have modified the floorings of Thoen and Tabor because Pontiff teaches acrylic acid and methacrylic blended with ethylene or its copolymer with any compatible polymer (7:15-68, 8:1-20). The overall composition aids in lower costs see 3:35-45, col. 7, Abstract of Pontiff.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biesser et al. in view of Pontiff et al. (US 4702868).

Biesser essentially teaches the claimed invention above.

To instant claim 11, Biesser does not teach organic peroxides, while teaching peroxides in general as aforementioned. Regarding claim 12, Biesser does not teach co-crosslinking agents as claimed.

Pontiff teaches a crosslinked polyolefin including organic peroxides for radical generators that decompose upon heating giving a half life of 6 min. or less (9:20-40) with polyolefins and also teaching Examples of monomers copolymerizable with ethylene and other

Art Unit: 1774

olefins are vinyl acetate, vinyl chloride, propylene, butene, hexene, acrylic acid and its esters, and methacrylic acid and its esters. The other polymer that can be blended with the ethylene homopolymer or copolymer may be any polymer compatible with it. The overall composition aids in lower costs see 3:35-45, col. 7, Abstract of Pontiff.

It would have been obvious to one having ordinary skill in the art to have modified the flooring of Biesser because Pontiff teaches acrylic acid and methacrylic blended with ethylene or its copolymer with any compatible polymer such as the density type polyethylenes (7:15-68, 8:1-20). Further it would have been obvious to including organic peroxides for radical generators that decompose upon heating giving a half life of 6 min. or less (9:20-40). The overall composition aids in lower costs see 3:35-45, col. 7, Abstract of Pontiff.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN Thoen et al. alone, or Tabor et al. (US 5,089,556) in view of Thoen et al. and further in view of USPN 6,399,689 to Scarlette.

Thoen and Tabor are relied upon above and Thoen essentially teaches the claimed invention above.

Regarding claims 14 and 15, Thoen nor Tabor shows a mixture of filler comprising mineral intergrowths as in instant claim 14. Thoen nor Tabor shows a homogenous design as in instant claim 15.

Scarlette teaches fillers, pigments, and an alumina ceramic grain composition blended into any floor finishing composition for enhancing abrasion resistance without compromising

Art Unit: 1774

flexibility, hardness, and adhesion (col. 2, lines 30-45, col. 3, lines 35-41) and specifically uses alumina to enhance physical properties when included with mineral particles and teaches aluminates having a crystal structure in platelet shape (col. 5, lines 25-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the floor covering of Theon and Tabor to utilize a filler mixture of platelet-shaped and crystalline mineral intergrowths because Scarlette teaches such an alumina filler enhances physical properties and abrasion resistance without compromising flexibility, hardness, and adhesion (col. 3, lines 35-41 and col. 5, lines 25-49). Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the floor covering of Thoen and Tabor with pigments in a design and mineral intergrowth fillers of a homogenous construction since it is known that such a mixture provides decorative color and an effective filler for the flooring to provide for a consistent composition for the flooring as taught above.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biesser et al. in view of USPN 6,399,689 to Scarlette.

Biesser is relied upon above.

Regarding claims 14 and 15, Biesser teaches aforesaid fillers but not a mixture of filler comprising mineral intergrowths as in instant claim 14. Biesser does not teach a homogenous design as in instant claim 15.

Art Unit: 1774

Scarlette teaches fillers, pigments, and an alumina ceramic grain composition blended into any floor finishing composition for enhancing abrasion resistance without compromising flexibility, hardness, and adhesion (col. 2, lines 30-45, col. 3, lines 35-41) and specifically uses alumina to enhance physical properties when included with mineral particles and teaches aluminates having a crystal structure in platelet shape (col. 5, lines 25-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the floor covering of Biesser to utilize a filler mixture of platelet-shaped and crystalline mineral intergrowths because Scarlette teaches such an alumina filler enhances physical properties and abrasion resistance without compromising flexibility, hardness, and adhesion (col. 3, lines 35-41 and col. 5, lines 25-49). Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the floor covering of Biesser with pigments in a design and mineral intergrowth fillers of a homogenous construction since it is known that such a mixture provides decorative color and an effective filler for the flooring to provide for a consistent composition for the flooring as taught above.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

In an attempt to overcome the prior 112 2<sup>nd</sup> rejection, Applicant has amended the claims to a different composition, yet still lacking in clarity, the reasoning for reissuing another 112 2<sup>nd</sup>



Art Unit: 1774

paragraph rejection for new reasons set forth above. Because it is not clear what the polymeric composition or binder is, the Examiner has applied several rejections to several possibilities regarding the final polymer, copolymer/interpolymer. Suggestions for claim language has been set forth above and new art has been applied. Also in regards to the new matter, it appears an attempt was made to broaden the original claims, however, support was not found in the originally filed specification. Applicant is reminded that he should also specifically point out the support for any amendments made to the disclosure. See MPEP § 2163.06. Thus, the prior rejection will <sup>re ~~Re~~ 8/15/07</sup> apply once the new matter is removed and will be Final.

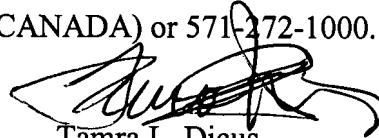
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1774

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tamra L. Dicus  
Examiner  
Art Unit 1774

August 15, 2007



MILTON I. CANO  
SUPERVISORY PATENT EXAMINER